



Paper No. 11

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In re Application of :
Boehlow :
Application No. 09/162,562 :
Filed: September 29, 1998 :
Title: Keyless Deadbolt Lock Engaging Device :

**OFFICE OF PETITIONS
ON PETITION**

This is a decision on the petition under 37 CFR 1.137(b), filed on April 1, 2002, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned on March 1, 1999, for failure to file a timely response to the non-final Office action mailed on November 30, 1998, which set a three (3) month shortened statutory period for reply. No extensions of time pursuant to 37 CFR 1.136(a) were obtained. A Notice of Abandonment was mailed on September 13, 1999. The petition to withdraw the holding of abandonment, filed on June 18, 2001, was dismissed in a decision mailed on July 31, 2001.

The required reply, in the form of an amendment (paper #8) responsive to the non-final Office action mailed on November 30, 1998, and a terminal disclaimer (paper #10) have been received. Additionally, a power of attorney and change of address has been received and entered in the file.

The terminal disclaimer (paper #10 - form PTO/SB/63) filed April 1, 2002 is not required for utility application filed on or after June 8, 1995. Note that the terminal disclaimer required to obviate a nonstatutory double patenting rejection is form PTO/SB/26 (see MPEP, page 1400-90).

The above-identified application has been abandoned for an extended period of time. The Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting the statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178; 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109) (applicant obligated under 37 CFR 10.18 to inquire into the underlying facts and circumstances when providing the statement required by 37 CFR 1.137(b) to the Patent and Trademark Office).

This application file is being forwarded to Technology Center 3600 for processing.

Telephone inquiries concerning this decision should be directed to Weilun Lo at (703) 305-1645.

A handwritten signature in black ink, appearing to read "D Wood", is positioned above the printed name.

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy